

**Atkinson Conservation Commission Minutes  
Wednesday, February 23, 2022, 7:00 PM  
Atkinson Town Hall**

Approved March 23, 2022

**Members Present:**

Paul Wainwright, Chair  
Bill Steele, Vice Chair  
Pete McVay, Secretary  
Jeff Nenart  
John Fournier  
Suzie Newman

**Others Present:**

Dennis Krause, Emeritus Advisor

Monique Chrétien - Alternate  
Hannah Fried – Alternate - voting  
Denise Legault - Alternate, via zoom

**1. Call to Order, and Attendance:**

Chair Paul Wainwright called the meeting to order in person at Atkinson Town Hall at 7:02PM on Wednesday, February 23<sup>rd</sup>, 2022. Chair Wainwright took attendance and all members are present with the exception of Member Kukshtel, Alternate Member Fried will be voting in his stead.

**2. Review and approval of minutes:**

a. January 26, 2022 Public

Chair Wainwright presented the minutes of the January 26, 2022 public meeting and asked for comments or corrections, Member Nenart mentioned one grammatical error.

**Member Nenart made a motion to approve the meeting minutes of the January 26, 2022 public session of the Atkinson Conservation Commission, as amended above. Member Fournier seconded the motion.  
Vote: 7/0/0**

**3. Treasurer's report:**

Chair Wainwright produced the latest Treasurer's report and stated that in the last month, the only charges have been to pay the recording clerk and to reimburse Jack Carrubba for his Eagle Scout Project.

**4. Proposed Parking Improvements for the Sawyer Town Forest – Ron LeBlanc & Jeff Nenart**

A diagram of the current parking proposal from the Lions Club is attached to these minutes.

Member Nenart stated that he and Member Fournier met with Ron LeBlanc and some other Lions Club members at the Sawyer Town Forest to discuss the potential parking improvements. Member Nenart continued that what they discussed at their meeting was to create a 26' x 20' gravel parking lot and then a 2 to 1 slope that goes 6' down into the field. Member Nenart suggested adding a guard rail along the parking area and the Lions suggested adding boulders instead, utilizing boulders from inside the property. Member Nenart stated that the problem with moving those boulders is that they would need a large excavator to be able to move them; they are also leaning against an existing retaining wall and he would hate to see that wall damaged when removing the boulders. Member Nenart stated that he has not heard anything from Ron LeBlanc after they met although he believes the Lions Club was supposed to vote on this topic at their last meeting.

Member Nenart stated that one thing that concerns him is that he was under the impression that the Lions Club was going to fund this project in full. Member Nenart continued that when they met, the Lions asked how much money the Commission had to contribute to the project; Member Nenart responded "none" when asked. The Commission had a brief discussion on the details of this project. Chair Wainwright read the parking policy from the "Policies & Guidelines for the Use of Conservation Land" document which states, in part, that "if parking is not available [when you arrive] we ask visitors to return at another time," which illustrates that parking is not the first priority of the Commission. Chair Wainwright stated that his next step will be to send Ron LeBlanc an email and ask what the Lions discussed at their last meeting about this project.

**5. Proposed Composting Toilets at Collins Park – Noriko Yoshida-Travers**

Chair Wainwright stated that Noriko Yoshida-Travers decided to postpone this discussion until they've got a better idea of how they'd like to proceed with this project.

**6. Review of Land Conservation Plan Draft – Scott & Bill**

Chair Wainwright stated that he has been working with Vice Chair Steele and Member Kukshtel on this plan but has admittedly run out of steam working on the project. Chair Wainwright asked Vice Chair Steele if they could meet on a Saturday to continue working through the various sections; he agreed. Chair Wainwright continued that he feels someone outside of the Commission should

review the plan before moving forward, but he is unsure if the Planning Board has the bandwidth at the moment to do so. Chair Wainwright suggested hiring Julie LaBranche to review the plan, and asked the Commission's opinion about that idea; the consensus of the Commission was that this would be a good thing to do. Member Nenart suggested using the money that was raised at the Comedy Night fundraiser; Chair Wainwright agreed that this is a good use of that money.

Chair Wainwright asked Vice Chair Steele to continue reviewing the sections and stated that he would give J. LaBranche a heads up that her services may be needed in the near future. Chair Wainwright stated that this plan will be really great when it is completed, but unfortunately it is still far from being done. Chair Wainwright continued that the deadline for receiving the Moose Plate reimbursement funding for this project is the end of April, and he will be applying for a one-year extension to allow for enough time to get a good-quality plan rather than rushing through it just to meet the deadline. Chair Wainwright asked Secretary McVay to help with reviewing various sections and to give comments; he agreed.

## **7. Amendments to Our Bylaws (Previously distributed)**

Chair Wainwright reminded Members that the process for amending bylaws is a two-step process. Chair Wainwright continued that the first step is to have a motion to amend the bylaw and have it seconded by the Commission. Chair Wainwright continued that the second step is to have a discussion about the changes, and then to make a motion to table the discussion until the next meeting, which gives the Members time to think over the changes before the vote is taken. Chair Wainwright stated that these bylaws are the general guidelines for the rules of procedure for the Commission, and are not necessarily cast in stone. Chair Wainwright continued that the bylaws give the future Members of the Commission some guidance and structure of how to run meetings, perambulate lands, etc.

Chair Wainwright stated that under the "meetings" section, the meeting frequency should be changed to the fourth Wednesday rather than the last Wednesday.

Chair Wainwright stated that under the "establishing an agenda" section, the wording should be changed to read "the Chair shall establish an agenda and may solicit requests for topics from Commission Members. Members of the public wishing to have a topic included in the agenda must do so in writing at least seven days prior to the meeting, and the Chair shall decide whether or not to include it in the agenda." Chair Wainwright continued that members of the public have a right to attend a meeting, but not to take over the agenda with a topic that was not planned. Chair Wainwright continued that what happened at last month's meeting was not appropriate, and he hopes to avoid similar situations moving forward. The Commission had a brief discussion about specific wording to the effect that members of the public *should* give seven days' notice, but

understanding that sometimes situations may arise that do not allow for a full seven days' notice.

Chair Wainwright stated that he reached out to the New Hampshire Municipal Association (NHMA) about the public's right to speak at meetings, and he received correspondence back from Attorney Stephen Buckley. Chair Wainwright continued that, from this correspondence, he determined that at public meetings, receiving public comment is not required. Chair Wainwright stated that there is no law or constitution that gives the public the right to speak, this right can only be granted if it is written into the Commission's rules of procedure, also known as the bylaws. Chair Wainwright continued that the addition he proposes under the "right to know" section is the following: "pursuant to NH RSA 91 A:2 members of the public have the right to attend, watch and listen, take notes, photograph and record meetings of the Commission, but are not automatically granted the right to speak. The privilege of speaking may be granted or rescinded by the Chair, and unless agreed to by a majority of the Members present, shall be limited to providing information about the particular issue under discussion. The Chair may set time limits for members of the public to give their input to the Commission. Argumentative discourse or personal attacks shall not be allowed. Any member of the public who continues to act in a disruptive manner after having been warned by the Chair may be charged with disorderly conduct."

Chair Wainwright stated that the Town Attorney and the Police Chief both reviewed the recording of the last Commission meeting and agreed that the behavior was inappropriate, and if the Commission wished to do so, they could press charges of disorderly conduct; Chair Wainwright stated that he has no intention of doing so. Chair Wainwright stated that not all of this needs to be written into the bylaws, but it is important to be aware of the content of this RSA. The Commission had a discussion about the sensitive nature of including this wording in the bylaws and agreed that maybe it would be prudent to leave out the last sentence that addresses potential charges of disorderly conduct.

Chair Wainwright stated that he updated the "quorum" section to be in sync with the current regulations which allow members to attend meetings virtually. Chair Wainwright continued that the wording he used was as follows: "members may attend by electronic means, provided that a quorum exists in the meeting room, and that the person chairing the meeting is physically be in the meeting room." Chair Wainwright continued that when voting, a member can demand a roll-call vote; "when voting members are attending electronically, all votes shall be done by roll-call." These changes are to make our procedures consistent with current State regulations.

Chair Wainwright stated that under the "perambulation" section, he changed the wording to read: "as part of the Commission's responsibility to administer the Town's conservation lands, conservation members shall periodically walk the Town's boundaries, identify and mark monuments placed by surveyors, and place identifying signage at the boundaries of the Town's land. Because

conservation land is open to the public, prior notice to abutters need not be given.” Chair Wainwright stated that this also seemed to be an issue during the last meeting, but, in his opinion, if someone is living next to conservation land, they need to expect people to be near their property, whether it’s Members of the Commission or members of the public.

Chair Wainwright stated that, in terms of trespassing on abutters land, it is not the Commission’s responsibility to prevent people from walking on abutters land; that is the responsibility of the abutters. Chair Wainwright continued that Attorney Buckley of the NHMA stated that “an essential element of the crime of criminal trespassing is that the trespasser knows that he or she was not licensed or privileged to remain on the property. Thus, if people are inadvertently wandering onto private property from Town conservation land, this does not constitute criminal trespassing. The remedy for the aggrieved property owner is to post his property as private property as outlined in NH RSA 635:4.” Chair Wainwright stated that he’d like to add some wording to the perambulation section that indicates that the Commission will do their due diligence to not trespass on private property.

Chair Wainwright stated that, in regard to suitable uses of money from the conservation fund, he added some wording to include the warrant article that passed last year that allows the Commission to give donations to qualified organizations. Chair Wainwright continued that he also included a summary of all the changes made at the end of the document. Chair Wainwright requested a motion to table this discussion until next month’s meeting.

**Vice Chair Steel made a motion to table the bylaw amendments discussion until the next meeting of the Atkinson Conservation Commission. Member Fournier seconded the motion. Vote: 7/0/0**

The Commission had a brief discussion about the value of exploring different avenues to educate the public about what the Commission does to dispel any misinformation that may be out there.

## **8. Short Reports & Discussions:**

### **a. Trails & Maps – Dennis**

Chair Wainwright stated that he is writing an article for the Town’s newsletter that reminds residents that motorized vehicles are not allowed on conservation land. Chair Wainwright continued that the Police Chief has committed to following up on any calls that come in about this type of behavior; calls should be directed to 603-362-4001. Member Nenart stated that he encountered an ATV rider this past weekend on the Sawyer Land who pled ignorance to the motorized vehicle restriction although he must have ridden past a handful of signs that advertise the restriction. The Commission had a discussion about other similar motorized vehicle events from the recent past.

Member Krause stated that there is currently an adequate supply of maps for all the trails, and the main restocking areas are being checked frequently and restocked if necessary.

Member Krause continued that while out on the trails, he noticed some of the dog-related signage was knocked down. Member Fournier stated that he's also seen the dog-related signs knocked down and damaged.

**b. Boy Scouts: Barry Camp – Bill**

Vice Chair Steele stated that Jake Martineau is registered and ready to go to Barry Conservation Camp. Chair Wainwright stated that when he receives the bill for this year's camp, he may wait a bit to pay it since last year the camp was understaffed and the Commission had to wait for a refund.

Chair Wainwright brought up the abandoned well on the Sawyer Land and asked if this could potentially be a service project for the Boy Scouts. Vice Chair Steele stated that this probably could be a service project but he is unsure if the amount of sand needed would make this too big of a project to be done with wheel barrows. Member Nenart stated that the Lions Club offered to fill this well if they are allowed to complete the parking lot project. Vice Chair Steele stated that he will float the idea with the Boy Scouts to see if they are interested in helping.

**c. Pack 95 Duck Box Project – Suzie & Bill**

Member Newman stated that she went out last weekend with Charlie Pitts to scout locations and place flags for the Pack 95 Duck Box Project. Member Newman continued that they went to Woodlock, Slade, and Sawmill Swamp, and found locations to place the duck boxes. The Commission had a brief discussion about potential locations and considerations that should be kept in mind when choosing final locations.

**d. Selective Cut on Stickney – Trees Being Marked, Still**

Chair Wainwright stated that he has no updates for the selective cut on the Stickney Land since Charlie Marino is still waiting for the proper permits as mentioned at the last meeting.

**e. Pollinator Event in April – Suzie**

Member Newman stated that this event is still on for April 9<sup>th</sup> at Freshwater Farms, and she is meeting with her contact this week to finalize the details. Member Newman continued that she will also begin to publicize the event through the various Town media channels.

**f. Birding with Matt Tarr – May 21 – John**



Member Fournier stated that this event is still on from 7:00AM to 9:00AM on May 21<sup>st</sup>. Member Fournier continued that Matt Tarr has yet to commit to a rain date but they have a discussion scheduled for April 1<sup>st</sup> to finalize the details. The Commission had a brief discussion about how to advertise for this event.

g. **Invasive Plant ID Workshop with Greg Jordan – June**

Chair Wainwright stated that he heard back from Greg Jordan, and this workshop has been scheduled for Saturday, June 18<sup>th</sup>, from 9:00AM to 12:00Noon. The Commission had a brief discussion about the focus and location for this event.

h. **Mushroom Identification Workshop – Monique**

Member Chrétien stated that she may have found a subject matter expert for a mushroom identification workshop, but when he asked for a specific location, she was unsure where this workshop should be held. The Commission had a brief discussion about prime dates and locations for this type of workshop; the Commission agreed that September probably would be best. Chair Wainwright stated that it will also be important to remind anyone at a mushroom workshop that they are welcome to pick mushrooms for personal use but not for commercial use, since mushrooming has become such a lucrative hobby.

i. **Encroachment: Map 23 Lot 37-1 – Survey “in progress”**

Chair Wainwright stated that this surveying work has been done but he has not yet seen the report so this discussion will be tabled until the final report comes back.

j. **ADA-compliant Trail – Application “in progress”**

Chair Wainwright stated that Bob Worden forwarded the application for funding and it is currently in progress.

k. **Other Discussions?**

Chair Wainwright stated that Member Fried has agreed to become the liaison to the Water Resource Committee.

9. **“Non-Progress” Reports:**

a. **4 Industrial Way Conservation Easement**

Chair Wainwright stated that this easement has been recorded which adds six acres of permanently protected land in Town.

b. **IRS Forms for Susan Beckhorn Land Donation**

Chair Wainwright stated that he has not yet signed the IRS forms because Susan Beckhorn's accountant is looking for more information about the exact details they need from the Town to complete this paperwork.

**c. Bryant Woods Open Space Disturbance**

Chair Wainwright stated that there is no progress to report in relation to the Bryant Woods open space disturbance.

**d. Page Farm Open Space Complaint**

Chair Wainwright stated that there is no progress to report in relation to the Page Farm open space complaint other than the fact that this patio *will* have to be removed.

**e. Pages Lane Wetland Complaint**

Chair Wainwright stated that this wetlands complaint was submitted to NHDES but he has not heard anything back from them.

**10. Other Business**

As a follow-up to the earlier discussion under Agenda Item 6, Land Conservation Plan Draft, Member Nenart made the following motion.

**Member Nenart made a motion to engage Julie LaBranche to assist with reviewing the land conservation plan in the amount of up to \$2,000.00 with funds to come from the Comedy Night fundraiser. Secretary McVay seconded the motion. Vote: 7/0/0**

**11. Next Regular Meetings: March 23 and April 27, 2022, at 7:00PM**

**12. Hold the Date: NH ACC Annual Conference will be Saturday, November 5, 2022**

**13. Non-public Session Under NH RSA 91-A:3, II (d), for consideration of the acquisition of land**

**Member McVay made a motion to go into a non-public session under NH RSA 91-A:3, II (d) for the consideration of the acquisition of land. Member Newman seconded motion. Vote: 7/0/0**

*The meeting continued in non-public session.*

**Vice-Chair Steele made a motion to exit non-public session. Alternate Fried seconded. The motion carried, 7/0/0**

**Member Nenart made a motion to seal the minutes of the non-public session. Member Newman seconded. The motion carried, 7/0/0**



#### **14. Adjournment**

**Member Fournier made a motion to adjourn. Secretary McVay seconded. The meeting was adjourned by consensus.**

The meeting was adjourned around 8:45 PM.

Respectfully Submitted,

Zachary Gilberti, Recording Clerk

**Attachments:**

**Treasurer's Report**

**Current proposal for parking at Sawyer**

Town of Atkinson Conservation Commission 2022 Expenditure Tracking

Account Number	Description	TM Approved 2021 Budget	What	Amount	Date Prepared	Date Submitted	Amount Submitted	YTD Total	YTD Unspent
			Rounding	Hrs			\$ -		
	Rate -->	18.36	January 26, 2022 Minutes	4.5	2/2/2022	2/2/2022	\$82.62	\$ 82.62	
40.46111.110.00	RECORDING CLERK	\$ 1,200.00	Budget Adjustment - removed			00/00/2020	\$ -	\$ -	
			Budget Adjustment - removed				\$ -	\$ -	\$ 1,117.38
			Rounding						
	Rate -->	0.062	January 26, 2022 Minutes	\$5.12	2/2/2022	2/2/2022	\$5.12	\$ 5.12	
40.46111.220.00	FICA .062	\$ 75.00	Budget Adjustment - removed			12/17/2019	\$ -	\$ -	
			Budget Adjustment - removed				\$ -	\$ -	\$ 69.88
			Rounding						
	Rate -->	0.0145	January 26, 2022 Minutes	\$1.20	2/2/2022	2/2/2022	\$1.20	\$ 1.20	
40.46111.225.00	Medicare .0145	\$ 20.00	Budget Adjustment - removed			12/17/2019	\$ -	\$ -	
			Budget Adjustment - removed				\$ -	\$ -	\$ 18.80
							\$ -	\$ -	
40.46111.390.00	OTHER PROF SERVICES	\$ 2,500.00	Budget Adjustment - added			12/16/2019	\$ -	\$ -	
			Budget Adjustment - added				\$ -	\$ -	\$ 2,500.00
							\$ -	\$ -	
40.46111.550.00	PRINTING AND BINDING	\$ 1,000.00	Budget Adjustment - Added			12/17/2019	\$ -	\$ -	
			Budget Adjustment - added				\$ -	\$ -	\$ 1,000.00
							\$ -	\$ -	
40.46111.560.00	DUES/SUBS/MEMBERSHIPS	\$ 500.00	Budget Adjustment - removed			12/16/2019	\$ -	\$ -	
			Budget Adjustment - added				\$ -	\$ -	\$ 500.00
							\$ -	\$ -	
40.46111.620.00	OFFICE SUPPLIES	\$ 1.00	Budget Adjustment - removed			12/16/2019	\$ -	\$ -	
			Budget Adjustment - added			12/7/2020	\$ -	\$ -	\$ 1.00
							\$ -	\$ -	
40.46111.625.00	POSTAGE	\$ 1.00	Budget Adjustment - Added			12/17/2019	\$ -	\$ -	
			Budget Adjustment - added				\$ -	\$ -	\$ 1.00
							\$ -	\$ -	
40.46111.650.00	CARE OF GROUNDS	\$ 2,500.00	Budget Adjustment - removed			12/15/2019	\$ -	\$ -	
			Budget Adjustment - removed				\$ -	\$ -	\$ 2,500.00
							\$ -	\$ -	
40.46111.740.00	NEW EQUIPMENT	\$ 300.00	Budget Adjustment - removed			12/15/2019	\$ -	\$ -	
			Budget Adjustment - added			12/7/2020	\$ -	\$ -	\$ 300.00
	2021 rate per mile: 0.56						\$ -	\$ -	
40.46111.820.00	MILEAGE	\$ 39.00	Budget Adjustment - removed			12/15/2019	\$ -	\$ -	
			Budget Adjustment - removed				\$ -	\$ -	\$ 39.00
							\$ -	\$ -	
40.46111.840.00	SPECIAL PROGRAMS	\$ 1,000.00	Eagle Scout project - Jack Carrubba	\$248.15	2/2/2022	2/2/2022	\$248.15	\$ 248.15	
			Budget Adjustment - removed			12/15/2019	\$ -	\$ -	
			Budget Adjustment - removed				\$ -	\$ -	\$ 751.85
							\$ -	\$ -	
40.46111.850.00	EDUCATION & CONFERENCES	\$ 250.00	Budget Adjustment - Added			12/17/2019	\$ -	\$ -	
			Budget Adjustment - added				\$ -	\$ -	\$ 250.00
							\$ -	\$ -	
40.46111.875.00	SIGNS	\$ 500.00	Budget Adjustment			12/17/2019	\$ -	\$ -	
			Budget Adjustment - removed				\$ -	\$ -	\$ 500.00
TOTALS		\$ 9,886.08					\$ 337.09	\$ 9,548.91	

SAWYER AVENUE

PROPOSED  
GRAVEL  
PARKING AREA

6' WIDE GRADED SLOPE  
TO BE LOAMED AND SEEDED  
WITH BOULDER BARRIER OR  
GUARD RAIL

